

AMENDED IN SENATE APRIL 11, 2007

SENATE BILL

No. 719

Introduced by Senators Machado and Florez

February 23, 2007

An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 719, as amended, Machado. San Joaquin Valley Unified Air Pollution Control District: district board membership.

(1) Existing law establishes the San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, as a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis. Existing law requires the district to be governed by a district board composed of a total of 11 voting members. Of those members, existing law requires 8 members to be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The remaining 3 members are appointed by cities within the territory of the district, based on region and population.

This bill would increase the membership of the district board to 15 members. In addition to the existing 8 county members, the bill would require the appointment of 2 5 city council members by the cities within the territory of the district, based ~~solely~~ on *region and* population. ~~The bill would require 3 other city council members to be appointed to the~~

~~district board by a majority vote of the City Councils of Fresno, Bakersfield, and Stockton, one member to be appointed by each city council.~~ The bill would require 2 public members to be appointed to the district board by the Governor, with the advice and consent of the Senate, ~~as prescribed.~~ The bill would require each member to be appointed in accordance with certain requirements, and would prohibit a member from designating an alternate for any purpose or otherwise being represented by another person in his or her capacity as a member of the district board. The bill would require all members to be residents of the district. Because of the additional duties this bill would require of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40600 of the Health and Safety Code is
- 2 amended to read:
- 3 40600. (a) The San Joaquin Valley Unified Air Pollution
- 4 Control District formed by the Counties of Fresno, Kern, Kings,
- 5 Madera, Merced, San Joaquin, Stanislaus, and Tulare pursuant to
- 6 Chapter 3 (commencing with Section 40150), and consisting of
- 7 the Counties of Fresno, Kings, Madera, Merced, San Joaquin,
- 8 Stanislaus, and Tulare, and that portion of the County of Kern that
- 9 is within the San Joaquin Valley Air Basin, is a single integrated
- 10 agency with all staff under one centralized management structure
- 11 that is able to implement programs on a basinwide basis, and has
- 12 all of the following:
- 13 (1) An individual air pollution control officer who is responsible
- 14 for the issuance of all permits by the unified district.
- 15 (2) A single budget for the unified district with resources
- 16 allocated based on the program needs of the San Joaquin Valley
- 17 Air Basin.
- 18 (3) A uniform fee structure.

(4) Three hearing boards established pursuant to Section 40800. One hearing board shall serve the northern region, one shall serve the central region, and one shall serve the southern region, as defined by the unified district board. Identical policies governing the operation of each hearing board shall be established by the unified district board and shall be binding upon each hearing board.

(5) A citizen's advisory committee.

(b) Rules and regulations adopted by the San Joaquin Valley Unified Air Pollution Control District are binding on all counties within the unified district. The unified district shall enforce all permits issued by the unified district and all permits issued by the individual county districts prior to formation of the unified district. The unified district shall review, revise, adopt, and implement any air pollution control plans required within the San Joaquin Valley Air Basin by state and federal law.

(c) Notwithstanding any other provision of law, the San Joaquin Valley Unified Air Pollution Control District shall be governed by a district board composed of 15 voting members, appointed as follows:

(1) Eight members, one of whom shall be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The board of supervisors of each of those counties shall, by majority vote, appoint one of its members to serve as a member of the district governing board.

~~(2) Two city council members appointed by the cities within the territory of the unified district. There shall not be more than one city council member selected from one county. Of the two city council members appointed pursuant to this paragraph, one shall be from a city having a population of less than 40,000, and one shall be from a city having a population of 40,000 or more that is not specifically authorized to appoint a member to the board under this section.~~

~~(3) The following cities shall each appoint, by majority vote of the city council, one of its city council members to serve as a member of the district governing board:~~

~~(A) The City of Fresno.~~

~~(B) The City of Bakersfield.~~

~~(C) The City of Stockton.~~

(2) Five city council members appointed by the cities within the territory of the unified district. There shall not be more than one

1 city council member selected from one county. Of the five city
2 council members appointed pursuant to this paragraph, three shall
3 be from a city having a population of less than 100,000, with one
4 member selected from the northern region, one from the central
5 region, and one from the southern region of the district. The other
6 two city council members appointed pursuant to this paragraph
7 shall be from a city having a population of 100,000 or more, with
8 each member selected from different regions of the district.

9 (3) The terms of office for members appointed pursuant to
10 paragraph (2) after April 1, 2007, shall be three years.

11 (4) Two public members appointed by the Governor, with the
12 advice and consent of the Senate, as follows:

13 (A) One public member who is a physician, actively practicing
14 within the district, whose daily practice or research specialty lies
15 in the health effects of air pollution on vulnerable populations.

16 ~~(B) One public member who has expertise in environmental~~
17 ~~engineering, chemistry, or meteorology, and who is a specialist in~~
18 ~~the public health impacts of air pollution.~~

19 ~~(5) For the appointment of members appointed pursuant to~~
20 ~~paragraph (4), the Governor shall solicit recommendations for~~
21 ~~potential candidates from the physician public health officers of~~
22 ~~the eight counties in the district. Prior to appointing a member~~
23 ~~under paragraph (4), the Governor shall submit the names of all~~
24 ~~potential candidates to each public health officer for their review~~
25 ~~and advice. A majority of the public health officers shall provide~~
26 ~~a recommendation to the Governor.~~

27 ~~(B) One public member who has medical or scientific expertise~~
28 ~~in the health effects of air pollution.~~

29 ~~(6)~~

30 (5) The terms of office for the members initially appointed
31 pursuant to subparagraphs (A) and (B) of paragraph (4) shall be
32 as follows:

33 (A) For the member appointed pursuant to subparagraph (A) of
34 paragraph (4), the term shall be four years.

35 (B) For the member appointed pursuant to subparagraph (B) of
36 paragraph (4), the term shall be two years.

37 ~~(7)~~

38 (6) After the initial term of appointment, the terms of office for
39 the members appointed pursuant to subparagraphs (A) and (B) of
40 paragraph (4) shall be four years.

1 (d) Each member shall be appointed on the basis of his or her
2 demonstrated interest and proven ability in the field of air pollution
3 control and their understanding of the needs of the general public
4 in connection with air pollution problems of the San Joaquin Valley
5 Air Basin.

6 (e) Each member shall be appointed on the basis of his or her
7 ability to attend substantially all meetings of the district board, to
8 discharge all duties and responsibilities of a member of the district
9 board on a regular basis, and to participate actively in the affairs
10 of the district. A member shall not designate an alternate for any
11 purpose or otherwise be represented by another person in his or
12 her capacity as a member of the district board.

13 ~~(f) Each appointment by a board of supervisors or city council~~
14 ~~shall be considered and acted on at a duly noticed, regularly~~
15 ~~scheduled hearing of the board of supervisors or city council, which~~
16 ~~shall provide an opportunity for testimony on the qualifications of~~
17 ~~the candidates for appointment.~~

18 ~~(g)~~

19 (f) All members shall be residents of the district.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.